

# EXHIBIT 5

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7 IN THE SUPERIOR COURT OF WASHINGTON  
8 FOR KING COUNTY

9 MICROSOFT CORPORATION, )  
a Washington corporation, )  
10 Plaintiff, ) No. 05-2-23561-6 SEA  
11 vs. )  
12 KAI-FU LEE and GOOGLE, INC., a ) ORDER APPOINTING DISCOVERY  
Delaware corporation, ) MASTER  
13 Defendants. )  
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15 The Court, sua sponte, based on the nature and timing of this matter, finds that a  
16 Discovery Master should be appointed pursuant to CR 53.3, now, therefore,

17 IT IS HEREBY ORDERED that Michael Scott<sup>1</sup> be and hereby is appointed as Discovery  
18 Master to adjudicate all discovery disputes arising among the parties herein or to make  
19 recommendations as to the resolution of such disputes to the court as necessary. The parties to  
20 any discovery dispute shall be equally responsible for the costs of the Discovery Master unless  
21 otherwise determined by the Discovery Master. The Discovery Master shall bill the parties  
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23 <sup>1</sup> Michael Scott may be contacted at (206) 623-1745. Mail or deliveries may be sent to his business  
address: 1221 Second Avenue, Suite 500, Seattle, Washington 98101. Mr. Scott is admitted to practice  
in the State of Washington and is an experienced litigator and discovery master.

1 directly at his regular hourly rate plus expenses, if any. He shall be promptly paid. The parties  
2 shall contact the Discovery Master regarding any discovery disputes and all working papers there  
3 from shall be forwarded to the Discovery Master. The Discovery Master shall provide the Court  
4 with status reports as he deems appropriate.

5 DATED this 29<sup>th</sup> day of July, 2005.

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8 JUDGE STEVEN GONZALEZ  
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